

REMARKS

Claim 2, 3, 5-19 and 21-23, 25, 26 and 28-31 are pending in this application. Claims 7, 9-11, 16, 30 and 31 are withdrawn. By this Amendment, claims 24 and 27 are canceled. Thus, no new matter is added by this Amendment.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments merely include cancellation of two claims; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 2, 3, 5, 6, 8, 12-15, 17-19, 21-23, 25, 26, 28 and 29 are allowed.

II. Rejoinder

The Office Action requests cancellation of non-elected claims 7, 9, 10, 11, 16, 30 and 31. However, each of these claims depends from generic claim 2, which is allowed. Accordingly, each of claims 7, 9, 10, 11, 16, 30 and 31 must be rejoined with the application and similarly allowed.

Specifically, where restriction was required between independent or distinct products, or between independent or distinct processes, and all claims directed to an elected invention are allowable, any restriction requirement between the elected invention and any non-elected invention that depends from or otherwise requires all the limitations of an allowable claim should be withdrawn. See MPEP §821.04(a). Thus, in accordance with Patent Office

procedures, it is appropriate to rejoin and allow these dependent claims now that claim 2 is allowed.

That is, where all claims directed to an elected invention (including generic claims) are allowable, any non-elected claims that depends from or otherwise requires all the limitations of an allowable claim should be rejoined and allowed. For example, a requirement for restriction should be withdrawn when a generic claim, linking claim, or sub-combination claim is allowable and any previously withdrawn claim depends from or otherwise requires all of the limitations thereof. Claims that require all the limitations of an allowable claim will be rejoined and fully examined for patentability in accordance with 37 C.F.R. §1.104. See MPEP §821.04(a).

Accordingly, because each of withdrawn claims 7, 9, 10, 11, 16, 30 and 31 depend from allowed claim 2, rejoinder and allowance of each of claims 7, 9, 10, 11, 16, 30 and 31 is respectfully requested.

III. Rejection Under 35 U.S.C. §102(e)

Claims 24 and 27 are rejected under 35 U.S.C. §102(e) over U.S. Publication No. 2002/0136469 (Moroo). This rejection is respectfully traversed.

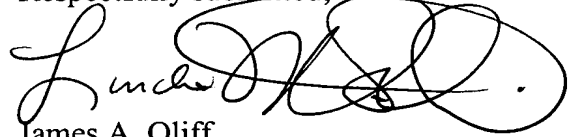
Each of claims 24 and 27 is herein canceled without prejudice or disclaimer to the subject matter contained therein. This rejection is thus moot.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Oliff", written over a horizontal line.

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